IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 1ST JANUARY 2007 / 11TH PUSHA 1928

WA.No. 2375 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.19185/2006 Dated 28/07/2006

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APPELLANT: PETITIONER

JAHAFAR A.,
ALUKKAL HOUSE, SOUTH BAZAR,
KUTTIPPURAM, MALAPPURAM DISTRICT.

BY ADV. SRI. KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF AGRICULTURE,
THIRUVANANTHAPURAM.

3. KERALA PUBLIC SERVICE COMMISSION,
REP. BY THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI. BENNY GERVOSIS, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 2375 OF 2006

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Dated this the 1st day of January 2007

JUDGMENT

Abdul Gafoor, J

In view of the averments in the affidavit, the delay is condoned.

2. After condoning the delay we heard counsel for the appellant on the merit of the appeal. Admittedly, the appellant/writ petitioner possesses only Vocational Higher Secondary certificate in agriculture. In the notification issued by the Public Service Commission such candidates can be considered only in the absence of diploma holders in agriculture. Their grievance is that apart from the diploma holders, degree holders in agriculture are also being considered. This would reduce their chance to get place in the top of the list, it is submitted.

3. Now the issue is no longer res integra in the light of the decision of the Supreme Court in **Jyothi K.K. v. Kerala Public Service Commission** JT 2002 (Suppl. 1) SC 85) that degree

holders in engineering can be considered in the place of diploma holders in engineering. That dictum has been followed by the learned single judge, according to us correctly.

In such circumstances, there is no reason for interference. The writ appeal is dismissed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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